THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Writ Petition (M/S) No. 313 of 2001
(Old No. 20381 of 1996)

M/s R.B.N.Singh Sugar Mills Limited,
Lakshar, district Haridwar through
Its General Manager. … **Petitioner.**

Versus

1. Payment of Wages Authority/Assistant Labour Commissioner, U.P. Ambala Road, Saharanpur.
2. Sri Ilam Chand, S/O Sri Rai Mal, R/O village Kahera, P.O. Lhaksar, District Haridwar.
3. Raj Kumar, Son of Shri Rati Ram, Resident of village Babki Kalan, P.O. Lhaksar, Distt. Haridwar,
4. Vinod Kumar S/O Shri Kaluram, Resident of village Dabki Kalan, P.O. Lhaksar District Haridwar.
5. Mohiner, Dryer Mazdoor,
6. Sewa Ram, Dryer Mazdoor,
7. Sakatu, Dryer Mazdoor,
8. Pooran, Dryer Mazdoor,

C/O Shri Tara Chand Sethi, 2 Govind Nagar, Saharanpur.

… Respondents.

Sri C.K.Sharma & Sri R.K.Raizada, learned counsel for the petitioner.
Sri Gopal Narian, Ad., learned counsel for respondents.

Dated 08-03-2006.
(Hon'ble B.S. Verma, J.)

This writ petition has been filed by the petitioner challenging the impugned order dated 30-3-1996, passed by the respondent no.1 in Case P.W.A. 44/89 to 50 of 89, under Section 15 of the Payment of Wages Act, 1936, (**for short the Act)**, whereby the workmen were held entitled to get ten times of wages as compensation and cost of the proceedings and the petitioner was directed to make payments of the specified amounts to each of the workmen, i.e. Rs. 2,66,000/-.

Brief facts giving rise to this writ petition are that workmen-respondent nos. 2 to 8 moved separate application before the respondent no.1 under Section 15(3) of the Act alleging that the O.P.-petitioner had made illegal deductions from their wages for the period 4-12-1988 to 18-2-89. The case of each of the workmen-

respondents was identical, therefore, all the seven cases were consolidated together and Case No. 44 of 1990 was made the leading case. Each of the workmen claimed wages @ Rs. 3,450/- and claimed compensation equal to ten times of their wages, i.e. 34,500/- each.

Notice was issued. The O.P.-petitioner filed its written statement against which the workmen filed their replies. The workmen-respondents filed their wage slip in support of their claim. The respondent no.1 called for the enquiry report of the Assistant Labour Officer Hardwar. Before the respondent no.1 evidence of the parties was recorded.

After considering the entire evidence on record, the respondent no.1 found the applicants entitled to the amounts claimed by them and accordingly the respondent no.1 vide order dated 30-3-1996 passed the impugned order in favour of the respondent nos. 2 to 8. Aggrieved by the impugned order passed by respondent no.1, the petitioner has come up before this Court.

I have heard learned counsel for the parties and perused the entire material on record.

The contention of the learned counsel for the petitioner is that the workmen did not disclose before the respondent no.1 that they were contractual Labour . He further submitted that the compensation @ ten times of the wages is excessive. It has been submitted by the learned counsel for the petitioner that amount of Rs. 24,150/- as wages and ten times thereof, i.e. Rs. 241500/- has already been recovered from the petitioner.

On the other hand, the learned counsel for the workmen-respondents Sri Gopal Narain stated that this Court vide order dated 16-9-2005 passed in WPMS No. 346 of 2001, M/s R.B.N. Sugar Mills Vs. Payment of Wages Authority and another

has already resolved the controversy between the parties and the impugned order of the respondent no.1 was modified to the extent that only the compensation shall be paid five times of the wages instead of ten times to the workmen by the employer and it was submitted by learned counsel for both the parties that the matter be decided in terms of order passed by this Court on 16-09-2005 passed in Writ Petition No. 346 of 2001 (M/S).

I have gone through the earlier order dated 16-09-2005 passed by this Court and I find that the present matter is squarely covered by that judgment and the earlier case is entirely identical in nature to the earlier writ petition. Learned counsel for both the parties have no objection if the present writ petition is decided in terms of the earlier order dated 16-09-2005 passed by this Court in WPMS No. 346 of 2001.

In view of above, I hold that the respondent nos. 2 to 8 are entitled to get compensation five time of their wages, i.e. Rs. 3450 x 7 x 5 = Rs. 1,20,750/-. Each of the respondent nos. 2 to 8 shall get five times of the wages of Rs. 3450, i.e. Rs. 17,250/- each. To this extent the impugned order stands modified.

From a perusal of the record, it reveals that this Court on 31-10-1996 observed that the entire disputed amount was recovered by the authorities. It was directed that half of the disputed amount be paid to be respondent by the authority concerned. In case the requisite amount has already been paid to the workmen-respondents no. 2 to 8, the petitioner shall be at liberty to move the respondent no.1 for withdrawal of the rest of the amount.

The writ petition is disposed of accordingly. No order as to costs.

(B.S. Verma, J.)

RCP